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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1705 OF 2007

Dilip Krishna Bhoir ... Applicant
versus
State of Maharashtra ... Respondent

Mr.N.N.Gawankar with Arfan Sait for applicants.
Mr.U.V.Nikam, APP for State.

CORAM : V.C.DAGA, J.

DATE : 18th July 2007

PC :

1. Heard learned counsel for the applicants and learned APP for the State. The applicant Dilip Krishna Bhoir has invoked the jurisdiction of this Court under section 439 of the Code of Criminal Procedure. The learned counsel for the applicant submits that one Keshav Pitambare has already been granted bail by this Court vide order dated 28th March 2005 in Criminal Application No.2053 of 2005 on the terms and conditions set out therein. He further submits that the role of the present applicant Dilip is identical with that of Keshav for commissioning the offence alleged against the applicant under

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sections 302, 307, 324, 325, 326 r/w 147, 148, 149 which came to be registered with Kalyan Taluka Police Station vide CR No.I-96 of 2004. He further submits that on the parity the present applicant is also entitled for bail for the same reasons.

2. On the other hand, the learned APP fairly concedes that the role of the applicant and Keshav is identical in commissioning the alleged offence. In that view of the matter, I am inclined to grant bail on parity on the following terms and conditions :-

(a) The applicant is directed to be released on bail in connection with C.R.No.I-96 of 2004 registered with Kalyan Taluka Police Station on executing personal bond in the sum of Rs.20,000/- (Rs.Twenty thousand only) with one or two local sureties in the like sum;

(b) The applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever;

(c) The applicant shall not enter Thane District during the pendency of the trial, except for

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attending Court cases on the specified dates;

(d) The applicant shall inform his place of residence to the Investigating Officer as well as the Trial Court within one week from the date of release. In addition, the applicant shall report to the nearest Police Station, once in a month, on first Saturday of every English calender Month;

(e) The applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

3. Application disposed of on the above terms.

(V.C.DAGA, J.)